

**Town of Bethany Beach
Planning Commission Minutes
January 19, 2008**

The Bethany Beach Planning Commission held a meeting on Saturday, January 19, 2008 in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, who presided; Donald Doyle, Tony McClenny, Fulton Loppatto and Kathleen Mink. Faith Denault was excused.

Also present: Councilman Tracy Mulligan, Councilman Steve Wode, Councilman Joseph Healy, John Eckrich, Building Inspector, Seville Pettit, Administrative Secretary, Patricia Titus of the Coastal Point and interested members of the public.

The meeting was called to order at 9:03 a.m.

OPENING OF MEETING

Approval of Agenda

Mr. Killmer made a suggestion to modify the agenda to first review the Sketch Plan for a Planned Residential Development (PRD) submitted by Stanley Walcek.

All were in favor.

Discussion/Approval of the Planning Commission Minutes of November 5th and the 20th

Ms. Mink made a motion to approve the amended minutes dated November 5, 2007. The motion was seconded by Mr. Loppatto and unanimously approved.

Mr. Doyle made a motion to approve the amended minutes dated November 17, 2007. The motion was seconded by Mr. Loppatto and unanimously approved. Ms. Mink abstained, due to an excused absence.

Announcements/ Comments/ Updates

Commercial Design Review Update (McClenny/Killmer)

Mr. Killmer reported the purpose of the meeting was to suggest changes and make updates to a number of areas in the Commercial Design Guidelines (CDG).

Mr. Killmer noted the CDG proposed updates will also be reviewed and approved by the Planning Commission members, and then will be passed on to the Town Council members for their review and approval. The CDG have the force of law.

Comments/ Updates Regarding the January Town Council Meeting (All)

Mr. Killmer announced that Mrs. Faith Denault would be joining the Planning Commission in the month of February.

Mr. Killmer also reported there were several items from the Planning Commission that were discussed at the Town Council workshop, such as Article V (Nonconforming Uses, Lots and Structures) and Chapter 245-17 (Temporary Structures, Trailers and Watercrafts).

Mr. Killmer had provided the members with a revised document to review. The ultimate purpose of updating Article V is to make sure that the Town Code meets both the current needs of the Town as well as anticipating future challenges that may come before the Planning Commission.

The document was also provided to the Town Council members for comments and concerns. There was a response from the Town Council concerning how the percentages were determined for replacements of non-conforming structures. Mr. Eckrich will address that issue.

Ms. Mink made a motion to send the document back to the Town Council for consideration. The motion was seconded by Mr. Loppatto and unanimously approved.

Mr. Killmer also noted that Chapter 245-17 (Temporary Structures, Trailers and Watercrafts) was also discussed at the Town Council workshop. The Town Council expressed concerns about the potential increase of the size of the boats that could be accommodated on larger trailers as well as perhaps not permitting boats and/or trailers to be parked and/or stored in front or in back of residential properties.

There was continual discussion about Chapter 245-17. It was noted that the Town Council members would further discuss the issue at a later time. The Town manager also indicated that the Town would propose alternative language to Chapter 245-17.

Update of Planning Commissioners Initiatives (All)

Ms. Mink explained that her Planning Commission future project initiative was updating the 2005 Comprehensive Development Plan. After reviewing the Comprehensive Plan Ms. Mink indicated that the Planning Commission members did not need to complete any of the action items.

Ms. Mink also provided the Planning Commission members with a document for review. The document presented was an example of the format that she proposes to follow as she reviews and updates the Comprehensive Plan. All were in favor of her approach to be used in updating the Comprehensive Plan.

Comments, Q&A and Discussion for Planning Commissioner Members

There was no discussion at this time.

PUBLIC COMMENT/ QUESTIONS FOR THE PLANNING COMMISSION

There was no discussion at this time.

NEW BUSINESS

Review Sketch Plan for a Planned Development PRD submitted by Stanley J. Walcek identified as Mews of Bethany, Lots 10, 9, 8 and part of 5, Block 25 located at 501 Garfield Parkway in the R-1 Zone. (All)

Mr. Killmer reported there would be a discussion on the Sketch Plan for a possible Planned Residential Development (PRD) submitted by Stanley Walcek identified as Mews of Bethany. Whether this proposed project is a PRD or a minor-subdivision has yet to be determined.

Mr. Walcek gave a brief overview of the proposed project.

Ms. Mink questioned the process of a Sketch Plan.

Mr. Killmer noted the purpose of a Sketch Plan Review is to review the proposed project to make sure that it meets all of the Town Code requirements as well as making sure that it fits well with the surrounding area as well as allowing concerned citizens and individuals who may be directly affected by the proposed development to express their concerns to the applicant and the members of the Planning Commission. Sketch Plans provide minimal detail and require no approval from the Planning Commission. The Planning Commission members began review and asked questions about the proposed plans.

The Planning Commission provided the following suggestions/comments to Mr. Walcek:

- Meet with Mr. Eckrich to establish whether your proposal should be classified as a Planned Residential Development (PRD) or a Minor Subdivision.
- Determine and place on all future plans the total area in square feet of the entire proposed development as well as the percentage of the total lot coverage of the proposed structures.
- Discuss with Mr. Eckrich the possible need to combine individual recorded plats of your property that may be involved in this proposed development.
- On future plans fully classify all of the wetlands. The term “wetlands” is not an adequate description.
- The two proposed roads on the Sketch Plan must have unique names. Road names A and B are not acceptable names.
- Proposed Road A is only 40 feet wide, therefore it does not qualify for possible future dedication to the Town. (Minimum width is 50 feet)
- Proposed Road A is a dead-end road. The maximum length of a dead-end road according to the Town Code (§200-41. G) is 400 feet. Road A is 480 feet in length on the submitted Sketch Plan; therefore it is in violation of the Town Code.

- According to the Town Code (§200-41. G), dead-end streets must terminate with a 50-foot radius turnaround cul-de-sac. Currently the Town Code does not permit a T-type dead-end street termination.
- The current proposed side yard setbacks between buildings does not meet the Town Code requirements. On the Sketch Plan the distance between adjacent buildings is 40 feet. The code calls for a minimum of 56 feet between buildings. (4 units/structure x 7feet =28 feet x 2 structures = 56 feet)
- Sketch Plans requirements call for an area designated on the plan for recreation. No such area was described on the submitted plan. Discuss this issue with Mr. Eckrich.
- There is at least one ditch that runs along the eastern edge of your property that was not illustrated on the Sketch Plan. The Town Code requires the location of **all** existing ditches, watercourses and bodies of water to be placed on the Sketch Plans. On future plans, make sure that **all** ditches, watercourses and other bodies of water are accurately recorded.
- Existing drainage facilities outside of the proposed development that may be used as part of the drainage of the proposed development were not indicated on the Sketch Plans. Discuss this with Mr. Eckrich.
- At the meeting a number of neighbors whose properties are adjacent to your property expressed their concern as to a possible negative impact that your proposed development will have on storm water related flooding in this area of the Town that is currently prone to flooding. Their concern is directly addressed in the Town Code: §200-43. Lots. C. *Where there is a question as to the suitability of a lot or lots, the Planning Commission may, after adequate investigation of flood conditions, wetlands or similar conditions, withhold development approval of such areas.*

Proposed Updates to the Bethany Beach Commercial Design Guidelines (McClenny/Killmer)

Mr. Killmer explained the purpose of the proposed updates to the guidelines is to correct some of the deficiencies and to refocus the guidelines to encompass a larger portion of the Town, which would include all non-residential structures.

The Planning Commission members began to review the proposed updates to the Bethany Beach Commercial Design Guidelines and made some minor changes. This will be reviewed and discussed further at the February Planning Commission meeting.

Mr. Killmer made a suggestion to rename the *Bethany Beach Commercial Districts Design Guidelines* to the *Bethany Beach Non-Residential Design Guidelines*. The proposed name change more accurately reflects the properties that would be subject to review and approval by the Design Guideline Committee (DGC).

OLD BUSINESS

Status of URS Survey of Comprehensive Plan (Loppatto)

Mr. Loppatto reported the Town was contacted by the URS Corporation to participate in a survey. The purpose of the URS survey is to establish what parts of the Comprehensive

Plan have been completed and areas that still need to be completed. The survey was sent to all of the towns in Sussex County.

Mr. Loppatto also noted only after receiving information from different Town resources, that the survey could be completed. The completed survey was reviewed question by question by the Planning Commission members; a number of changes were proposed and unanimously approved. The completed survey was sent to the Town Council for distribution to the appropriate parties.

The Planning Commission members began to review the proposed document.

Review/ Approval of the Proposed Changes to §245-45 to §245-62 (All)

Mr. Killmer explained the changes that were made to this section were in the absence of Ms. Mink and there were some comments and questions that she wanted to provide. A number of Ms. Mink's suggestions were accepted and approved. Eventually all of these suggested updates to Chapter 245 will be sent to Mr. Jaywork for review prior to Town Council voting.

Discussion of Additional Requirements for PRD/ Subdivisions (All)

Tabled until the month of February.

Continue Update of Chapter 245 Starting at §245-65. Residential Units (All)

Tabled until the month of February.

ADJOURN

Mr. Doyle made a motion to adjourn. The motion was seconded by Ms. Mink and unanimously approved. The meeting was adjourned at 12:05 p.m.

Respectfully Submitted,

Seville Pettit
Administrative Secretary

PLANNING COMMISSION
ACTION ITEMS
JANUARY 19, 2008

1. Mr. Killmer to provide a list of deficiencies for the Sketch Plan submitted by Mr. Walcek identified as Mews of Bethany.
2. Mr. Loppatto to make corrections to the URS survey and provide it to the Town Manager's office for distribution to the Mayor and the Town Council members.
3. Mr. Killmer to make changes to Chapter §245-45 to 245-62.
4. Ms. Mink to make changes to the Commercial Design Review guidelines.